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*Attorneys for Defendant
Aylo Premium Ltd*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELISSA HUTCHISON aka PHOENIX
MARIE, an individual,,

Plaintiff,

v.

ETHICAL CAPITAL PARTNERS, a foreign
entity; AYLO PREMIUM LTD., a foreign
corporation; DM PRODUCTIONS, a foreign
entity; DIGITAL PLAYGROUND, a foreign
entity; MIND GEEK USA
INCORPORATED, a foreign entity; MG
PREMIUM LTD, a foreign entity; DM
PRODUCTIONS, a foreign entity; DIGITAL
PLAYGROUND, a foreign entity; DANNY
MARTIN aka DANNY D, an individual;
FRANK PETOSA an individual; RYAN
HOGAN, an individual; MICHAEL
WOODSIDE, an individual; and DOES 1
through 50,,

Defendants.

Case No. 2:24-cv-00673-GMN-BNW

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANT
AYLO PREMIUM LTD TO FILE
RESPONSIVE PLEADING TO FIRST
AMENDED COMPLAINT**

(FIRST REQUEST)

Under LR IA 6-1 and 6-2 and LR 7-1, Plaintiff Melissa Hutchison aka Phoenix Marie (“Plaintiff”) and Defendant Aylo Premium Ltd (“Aylo”),¹ by and through their attorneys, hereby agree and stipulate to the following:

¹ Plaintiff purportedly served Aylo on July 9, 2024, via the Hague. Nothing about this stipulation waives or forfeits Aylo’s right to challenge service. *See Hamer v. Neighborhood Housing Services of Chicago*, 583 U.S. 17, 20 n.1 (2017).

1 1. On February 15, 2024, Plaintiff filed a Complaint in the Eighth Judicial District
2 Court, Case No. A-24-887250-C, naming twelve defendants, including Defendants Frank Petosa,
3 Michael Woodside, and Ryan Hogan (the “Removing Defendants”).

4 2. On April 5, 2024, the Removing Defendants filed a Notice of Removal to this Court.
5 [ECF No. 1].

6 3. The Removing Defendants served Notice of Removal on Plaintiff’s counsel on April
7 9, 2024.

8 4. On May 3, 2024, Plaintiff filed her First Amended Complaint (“FAC”). [ECF No.
9 9].

10 5. On May 31, 2024, the Removing Defendants accepted service of the summons and
11 complaint. [ECF No. 12].

12 6. On July 1, 2024, the Removing Defendants filed their Motion to Dismiss the FAC.
13 [ECF No. 13].

14 7. Therein, the Removing Defendants made several jurisdictional arguments. *See id.*

15 8. On July 15, 2024, after the Removing Defendants and Plaintiff stipulated, the Court
16 ordered all statutory and procedural deadlines stayed under Nevada law, the Fed. R. Civ. P., and the
17 Court’s local rules as to the Removing Defendants until the Court resolves the pending motion to
18 dismiss. [ECF No. 16].

19 9. The Removing Defendants and Plaintiff submitted a second stipulation and proposed
20 order resetting the deadline for Plaintiff’s opposition to the Removing Defendants’ motion to dismiss
21 as well as resetting the deadline for the Removing Defendants’ reply. [ECF No. 17]. That request
22 remains outstanding.

23 10. On July 9, 2024, Plaintiff purportedly served Aylo via the Hague. Under Fed. R. Civ.
24 P. 12(a)(1)(A)(i), Aylo’s responsive pleading is due on July 30, 2024.

25 11. The Parties stipulated and agreed to 24-day extension (i.e., August 23, 2024) for Aylo
26 to file its responsive pleading.

27 12. This is the first request to extend the deadline for Aylo to file a responsive pleading.
28

1 13. These requests for extensions of time is not intended to cause any delay or prejudice
2 any party.

3 Dated this 29th day of July, 2024.

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5 **McDONALD CARANO LLP**

**KERR SIMPSON ATTORNEYS AT
LAW**

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7 By: /s/ Rory T. Kay
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10 *Attorneys for Defendants*
Aylo Premium Ltd

Attorneys for Plaintiff Melissa Hutchison aka
Phoenix Marie

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12 **IT IS SO ORDERED.**

13 
14 UNITED STATES MAGISTRATE JUDGE

15 DATED: 7/31/2024
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